

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**UNITED STATES OF AMERICA**

**Plaintiff,**

**-vs-**

**Case No. CR-3-08-41 (6)**

**JOSE F. PALENCIA,**

**Defendant.**

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**ORDER ADOPTING THE REPORT AND RECOMMENDATIONS OF THE UNITED STATES  
MAGISTRATE JUDGE (DOC. #132) , AND ACCEPTING THE PLEA OF GUILTY**

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This matter came on for a hearing on November 24, 2008, for a change of plea hearing. Upon unanimous consent of the parties the matter was heard before Chief United States Magistrate Judge Michael R. Merz. Having conducted a full plea colloquy with the defendant, the Magistrate Judge concluded that the Defendants plea of guilty was knowing, intelligent, and voluntary, and that there is an adequate factual basis for a finding of guilt.

The Court, noting that no objections have been filed thereto and that the time for filing such objections expired on December 12, 2008, hereby ADOPTS said Report and Recommendations.

Therefore, based upon the aforesaid, and this Courts de novo review of the comprehensive findings by the United States Magistrate Judge this Court adopts the Report and Recommendations of the United States Magistrate Judge (Doc. #132) in its entirety, finding that the plea was knowing, intelligent and voluntary. The Defendant is FOUND guilty of the offenses for which he pled. This matter is ORDERED referred to the Unites States Probation Department for a presentence investigation and report. Sentencing is scheduled for February 27, 2009, at 2:00 p.m.

**DONE and ORDERED** in Dayton, Ohio, this 12<sup>th</sup> day of December, 2008.

**s/Thomas M. Rose**

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THOMAS M. ROSE, JUDGE  
UNITED STATES DISTRICT COURT